

# **FISCAL YEAR 2022 ANNUAL CANNABIS REPORT**

Illinois State Police



Cannabis Control Office

# **TABLE OF CONTENTS**

Summary	2
FY22 Accomplishments	3
FY22 Goals, Essential Projects, and Metrics	4
Key Data Points	5
Effect of Cannabis Regulation on Law Enforcement Resources	8
Impact of Cannabis Regulation on Highway and Waterway Safety	13
Emerging Methods to Test for Presence of THC in Bodily Fluids	15
Efficacy of Existing DUI Laws	15
Funding Usage	18
Legislation, Updates and Initiatives	19
Emerging Trends/Issues	19

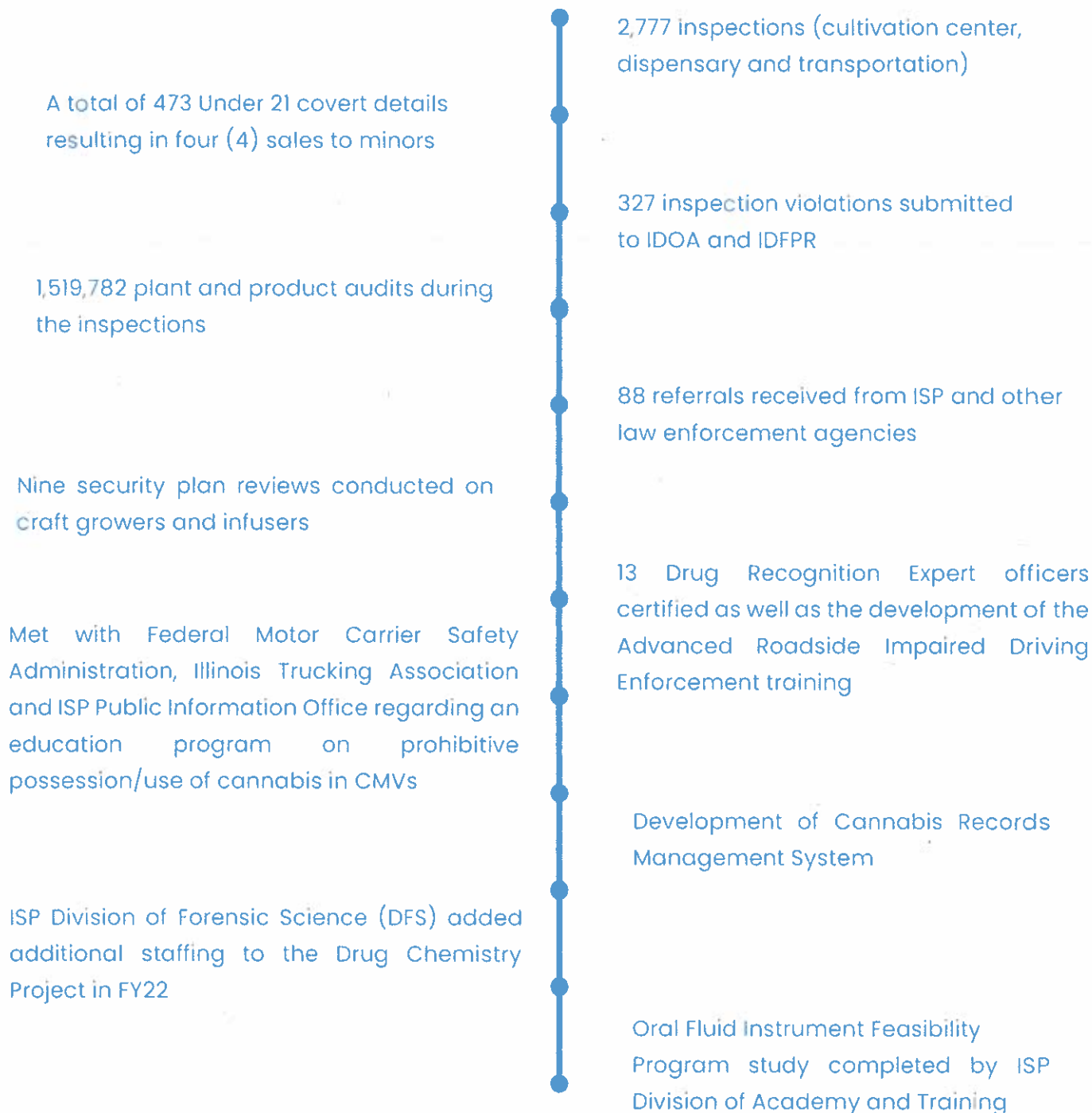
# Summary

*“Your work is going to fill a large part of your life, and the only way to be truly satisfied is to do what you believe is great work. And the only way to do great work is to love what you do. If you haven't found it yet, keep looking. Don't settle. As with all matters of the heart, you'll know when you find it.”*

— Steve Jobs

The Illinois State Police (ISP) provides enforcement, investigation, and processing of all cannabis related criminal offenses. The ISP strives to ensure the safety of the motoring public and community by: curbing illicit market activities defined as non-tax related sales and possession; enforcing laws related to driving under the influence; and by providing effective inspection and oversight of security related matters in the legal cannabis industry. Furthermore, the agency, through the Cannabis Control Office (CCO), is involved in the inspection of facilities operating under the Cannabis Regulation and Tax Act (CRTA) and Compassionate Use of Medical Cannabis Act, and also conducts physical security plan reviews for new and existing facilities.

# FY22 Accomplishments



## FY23 Goals

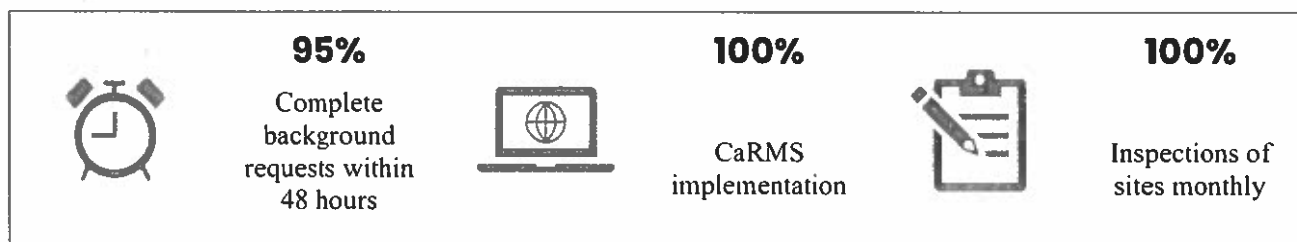
1. Implement the new Cannabis Records Management System (CaRMS) and provide training to all ISP Inspectors. Provide the new CaRMS system to the Illinois Department of Agriculture (IDOA) and Illinois Department of Financial and Professional Regulation (IDFPR) for their potential usage.
2. Work jointly with IDFPR to provide physical security expertise reference the security plans on future operations of the additional 185 Cannabis Dispensaries.
3. Work closely with IDOA on physical security reviews and pre-operational inspections on all new craft grower and infuser operations.
4. Advanced Roadside Impaired Driving Enforcement (ARIDE) training offered statewide.
5. Procurement for a fourth Liquid Chromatograph Triple Quadrupole Mass Spectrometer (LCQQQ) instrument for the Chicago lab.

## FY23 Essential Projects

1. Hire six Internal Security Investigators (ISIs), to compliment the current fifteen (15) CCO inspectors, due to the expected influx of 400+ new cannabis entities.
2. Hire code personnel (e.g. Administrative Assistant I and an Accountant).
3. Provide additional physical security training to sworn personnel as well as the current Inspectors and incoming ISIs.
4. Provide internship opportunities in the CCO for college students with an emphasis on Social Equity.

## FY23 Metrics

The CCO is committed to prompt completion of background requests. Furthermore, the CCO is committed to developing technological enhancements to improve information sharing and data analysis for all cannabis entities. The CCO will continue to strive towards completing monthly inspections on all licensed cannabis entities.



# Key Data Points

## Criminal History Record Expungement

Under 20 ILCS 2630/5.2, The Criminal Identification Act, the Illinois State Police is tasked with administering the program to expunge or seal records dealing with possession of cannabis in the state of Illinois.

The ISP continues to receive and completely process omnibus orders from 64 counties. The Bureau of Identification (BOI) staff continue to manually process omnibus orders received.

The initial programmatic expungement of minor cannabis non-conviction records from the Criminal History Record Information (CHRI) production database concluded on December 18, 2020. As of June 30, 2022, a total of 790,181 records (21,536 criminal conviction records and 768,645 criminal non-conviction records associated with separate arrest events) involving cannabis, have been expunged.

ILLINOIS STATE POLICE  
DIVISION OF JUSTICE SERVICES  
BUREAU OF IDENTIFICATION

Total Number Of DCN Impacted by Expungements To-Date by 790,181

Adams	1,918	Cook	482,476	Greene	355	Kankakee	6,065	Massac	1,063	Pope	211	Union	717
Alexander	384	Crawford	563	Grundy	1,927	Kendall	3,821	McDonough	3,221	Pulaski	753	Vermillion	4,327
Bond	265	Cumberland	351	Hamilton	136	Knox	2,457	McHenry	13,347	Putnam	532	Wabash	671
Boone	2,108	DeKalb	5,344	Hancock	377	Lake	24,808	McLean	10,330	Randolph	1,097	Warren	1,030
Brown	252	De Witt	932	Hardin	180	LaSalle	7,564	Mcquard	192	Richland	751	Washington	482
Bureau	1,155	Douglas	627	Henderson	146	Lawrence	683	Menard	927	Rock Island	7,898	Wayne	570
Calhoun	86	Dupage	24,960	Henry	2,353	Lee	1,822	Monroe	1,008	Saline	1,011	White	1,637
Carroll	389	Edgar	761	Ingham	1,486	Livingston	2,272	Montgomery	2,256	Sangamon	15,838	Whiteside	3,180
Cass	236	Edward	99	Jackson	2,498	Logan	1,586	Morgan	2,453	Schuyler	255	Will	16,099
Champaign	6,858	Effingham	3,207	Jasper	318	Macon	4,791	Moultrie	333	Scott	36	Williamson	1,586
Christian	1,054	Fayette	903	Jefferson	1,584	Macoupin	714	Ogle	2,376	Shelby	649	Winnebago	10,925
Clark	542	Ford	686	Jersey	1,216	Madison	12,409	Peoria	13,255	St. Clair	9,169	Woodford	2,218
Clay	221	Franklin	1,027	Jo Daviess	804	Monroe	1,501	Perry	1,281	Stark	129		
Clinton	711	Fulton	1,901	Johnson	656	Marshall	299	Platt	417	Stephenson	1,685		
Coles	2,507	Gallatin	67	Lane	21,829	Mason	334	Pike	1,054	Tazewell	3,633		

Conviction-Related DCN Expungements To-Date by County 21,536

Adams	89	Cook	6,728	Greene	32	Kankakee	0	Massac	0	Pope	39	Union	20
Alexander	23	Crawford	0	Grundy	0	Kendall	139	McDonough	146	Pulaski	0	Vermillion	101
Bond	43	Cumberland	21	Hamilton	11	Knox	0	McHenry	2,078	Putnam	0	Wabash	0
Boone	215	DeKalb	287	Hancock	29	Lake	594	McLean	0	Randolph	153	Warren	100
Brown	24	De Witt	99	Hardin	34	LaSalle	177	Mcquard	0	Richland	53	Washington	181

## Cannabis Business Facility Inspections

In FY22, the CCO conducted 2,777 inspections at 110 licensed cultivation centers and 21 dispensaries statewide. There were no inspections conducted at any craft grower and infuser locations as they were not licensed at the time.

### 2,777 inspections

conducted in FY22

110

dispensary licenses

21

cultivation center licenses

0

craft grower licenses

0

infuser licenses

0

### FY 22 Inspections - Total 2,777



### 15 Inspectors

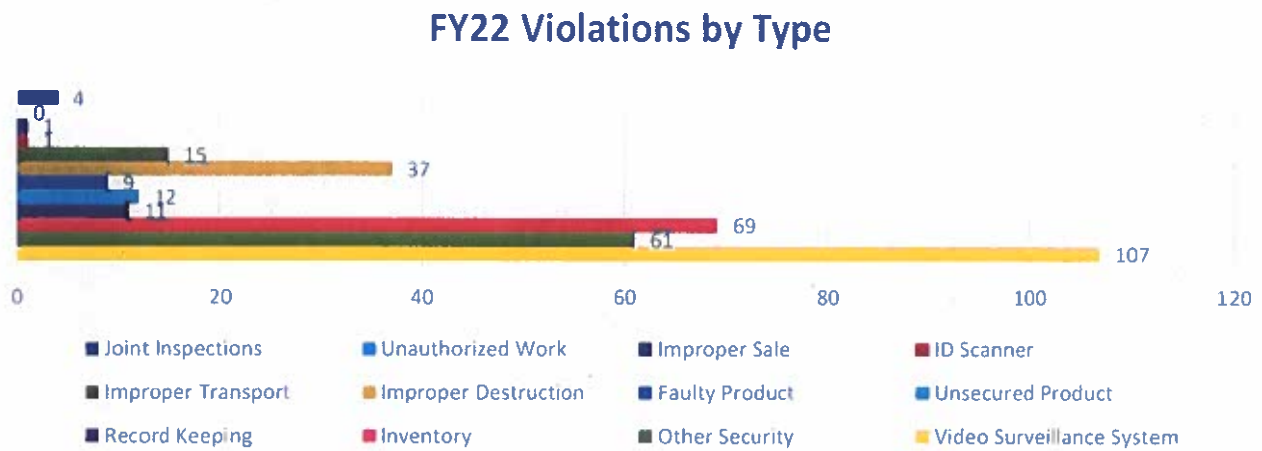
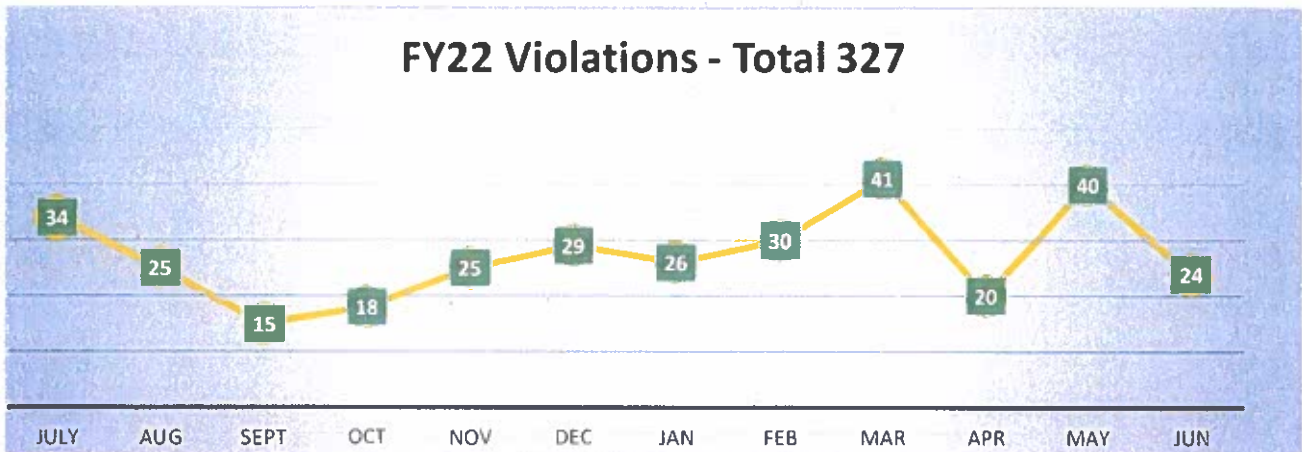
in FY22

All 15 inspectors are former law enforcement and have completed the mandatory training necessary for this job function. The Inspectors continue to receive ISP training throughout the year.

### 327 Violations

Identified in FY22





## 88 Referrals

Received from ISP and local law enforcement

9

Security plans reviewed in FY22

The CCO worked closely with IDOA on physical security reviews and pre-operational inspections for all new craft grower and infuser operations.



## Agent, Agent-in-Charge, and Principal Officer Background Checks

ISP conducts background checks on all Agents, Agents-in-Charge, and Principal Officers. Below, please find summary-level figures on Department action taken on Agent, Agent-in-Charge, and Principal Officer background checks in FY22.

**7,726**

total background checks  
conducted in FY22

- Average processing time for background checks is reported in days

FY 22

PURPOSE	DESCRIPTION	TOTAL	AVERAGE PROCESSING TIME	# LESS THAN 48 HOURS	% LESS THAN 48 HOURS
ACC	PRINCIPAL OFFICERS, BOARD MEMBERS AND AGENTS CULTIVATION CENTER	136	2	128	94.12%
ACG	PRINCIPAL OFFICERS, BOARD MEMBERS AND AGENTS OF A CRAFT GROWER	132	1	129	97.73%
ACI	PRINCIPAL OFFICERS, BOARD MEMBERS AND AGENTS OF CANNABIS INFUSER	55	1	54	98.18%
ACT	PRINCIPAL OFFICERS, BOARD MEMBERS AND AGENTS CANNABIS TRANSPORTER	170	0	162	95.29%
CCA	CANNABIS CULTIVATION AGENT	3,159	1	2,980	94.33%
CDA	CANNABIS DISPENSING AGENT	3,247	1	3,169	97.60%
CVF	CANNABIS VOCATIONAL TRAINING	0	0	0	0.00%
DOA	DISPENSING ORGANIZATION AGENT	827	0	814	98.43%
		<b>7,726</b>	<b>1</b>	<b>7,436</b>	<b>96.25%</b>

## Effect of Cannabis Regulation on Law Enforcement Resources

### Division of Forensic Services

- Drug Chemistry Impact (FY22)
  - ◆ Additional staffing was added to the project and the approximate salary increased from \$70,000 in FY21 to \$90,000 in FY22, including cost of living raises.
- Toxicology THC quantitation
  - ◆ Purchase of additional columns, pre-columns and emerging drug standards at a cost of approximately \$4,000 annually.
  - ◆ Currently, Forensic Sciences Command only has three LCQQQ instruments functional for casework (one in Chicago and two in Springfield). The LCQQQ instruments were procured in FY20 (1), and FY21 (2); no instruments were procured in FY22.

- ◆ The validation and implementation for the LCQQQ to quantitate THC in plant material and infused products is underway, but is a large, multi-year project. The first phase of the project, Decision Point Analysis, is nearly completed for approval and is expected to be implemented in the Fall of 2022. This process utilizes GC-MS to screen plant material to identify which samples must move on for further analysis by LCQQQ methods, which is necessary due to the volume of casework. The LCQQQ portion of the project is also progressing. Related to the LCQQQ portion, the theory has been learned and initial methods have been in development. Since the LCQQQ has two detectors for various applications (one QQQ and one Diode Array Detector), two methods for the different detection options have been identified and developed to ensure separation of Delta 9 THC and Delta 9 THC acid from other cannabinoids (like Delta-8). Additionally, method development had to be adjusted for room temperatures and performance of the methods in the lab conditions. Furthermore, sample extraction techniques for various sample types have been evaluated. At this point, both the sample preparation methods and instruments methods have been developed. The next steps of the process are to validate the robustness, precision and sensitivity of the sample preparation and instrumental methods developed to ensure consistent use in the laboratory. Once these studies are completed, the final validation report can be developed along with applicable training materials, operating procedures and implementation plans.
- Scene and Evidence Services Command (SESC)
  - ◆ Cannabis Control-related funding was used to rent one U-Haul box truck to transport bulk illicit cannabis evidence to Veolia Environmental Services in Sauget, Illinois for destruction. The U-Haul truck was rented in FY22:

3/29/2022 – \$606.91 (one truck rental and fuel)

### **Division of Patrol**

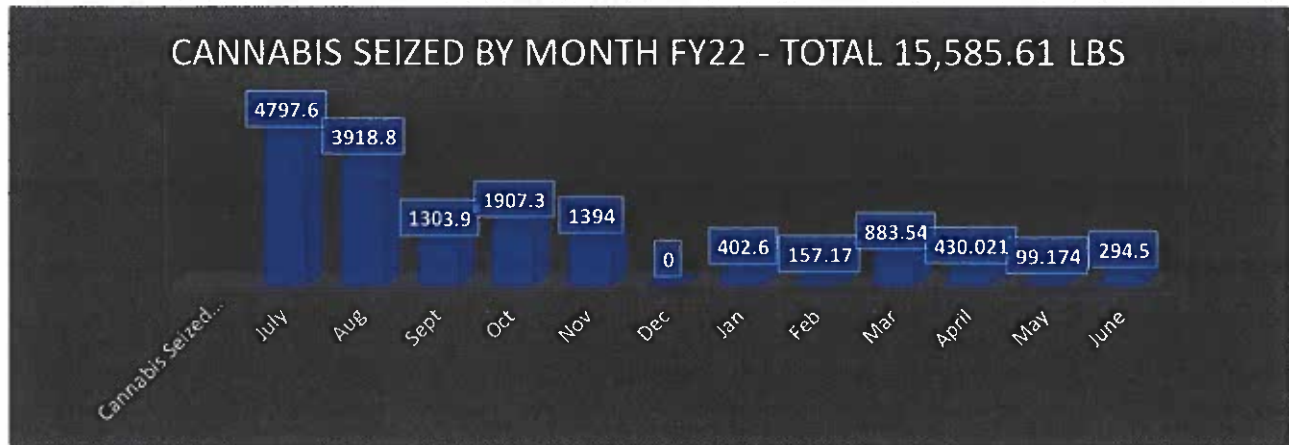
Since the new legislation, the Division of Patrol (DOP) continues to be impacted in the area of manpower and use of resources. This is primarily due to the necessity for the development of training and the downtime required to train officers to handle a variety of situations involving cannabis including topics such as the transportation of cannabis and impairment due to cannabis. In FY22, this additional training component continued.

The new legislation also required the ISP to plan and execute a phased approach to integrating canines that only alert to controlled substances while simultaneously evaluating the continued use of existing canines that alert to the odor of cannabis. Due to the new legislation, there was also a need to retrain officers and canine handler teams regarding the “free air sniff” is no longer applicable if a cannabis imprinted canine is on scene, as previously established in *Illinois v. Caballes*. Instead, the use of a cannabis imprinted canine can only be utilized to add to the totality of the circumstances in regard to reasonable suspicion and probable cause where the officer suspects illegal activity.

One of the primary missions of DOP revolves around criminal enforcement and the 360-degree State Trooper Concept which targets the growth of professional state troopers, new and seasoned, through advanced training and development. The DOP fosters a culture that is proactively engaged in the pursuit of interdicting crime and preserving public safety.

The Statewide Criminal Patrol (CRIMPAT) Team is made up of 13 officers and is designed to target criminal enforcement as well as provide training and mentoring to other law enforcement officers both within and outside

the ISP. In the months of January through June 2022, the CRIMPAT Team seized a total of 317,061 grams (699 pounds) of illicit market cannabis (illicit market cannabis is cannabis that is purchased or sold in violation of current laws in place). There was also a 44% increase in the amounts of illicit market cannabis seized by CRIMPAT, compared to those same months in FY21. The number of cannabis trafficking offenses/charges increased to 91 in FY22. There was also a significant increase in the number of Manufacture/Delivery of Cannabis incidents from 24 in FY21 to 205 in FY22 and Possession of Cannabis from 96 in FY21 to 1,248 in FY22. This increase can partially be attributed to the ending of the pandemic period.



### **Division of Criminal Investigation**

The information provided by the Division of Criminal Investigation (DCI) is based upon observations of special agents, communications with prosecutors, other law enforcement partners, and case material (open and completed cases) substantiating DCI's assessment which focus on the growth of the illicit market, impact on other investigations, and evolving air operations.

The legalization of cannabis has had a profound effect on Illinois law enforcement in several ways. The DCI Drug Metropolitan Enforcement Groups (MEG), as well as Drug Task Force (TF) units across the state have noted since the legalization and regulation of cannabis in Illinois, prosecutors (Illinois and Federal) are more reluctant to file criminal offenses involving cannabis, unless related to more "serious" criminal offenses. DCI indicated reluctance by the courts to secure formal criminal charges, often hinders the ability of the MEG and TF agents to gain leverage when seeking the assistance and cooperation of confidential and other sources. The lack of leverage also has a negative impact on the ability of agents to build cases in furtherance of locating and combating narcotics and firearms.

The legalization and regulation of cannabis in Illinois has vastly expanded the cannabis consumer market, drawing in those individuals who would not have previously ventured into what was formerly an unlawful activity. DCI noted the immensely expanded and diverse consumer base has effectuated an increased illicit or unregulated cannabis market. The increase in the number of consumers within the illicit market can be seen as a result of dispensary taxes and the increased "legalized" cost of cannabis product. In FY22, ISP Zones statewide seized a combined total of 11,760,117 grams of illicit cannabis, which has a total street value of approximately \$49,324,990. In addition, 575 illicit cannabis plants were seized, which at harvest, can yield up to one pound of cannabis "buds" per plant. Additionally, 74 illegally possessed firearms, were seized during investigations where arrests were made. In order to protect their assets, including their illicit cannabis, traffickers often arm themselves with firearms which poses a significant threat to the safety of Illinois citizens.

**Zone 1 – DuPage Metropolitan Enforcement Group (DUMEG), Lake County Metropolitan Group (LCMEG), Narcotics & Currency Interdiction Team (NARCINT) and North Central Narcotics Task Force (NCNTF)**

- Zone 1 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$27,771,327.

DUMEG – 6,121,515 grams

LCMEG – 55,042 grams

NARCINT – 195,696 grams

NCNTF – 249,016 grams

**Zone 2 – Blackhawk Area Task Force (BATF), Quad City MEG (QCMEG), State Line Area Narcotics Team (SLANT)**

- Zone 2 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$5,963,470.

BATF – 450,093 grams

SLANT - 89,311 grams

QCMEG – 882,413 grams

**Zone 3 – Joliet Metropolitan Area Narcotics Squad (JMANS), Will County Cooperative Police Assistance Team (WCPAT), Kendall County Police Assistance Team (KCPAT) and Kankakee Metropolitan Enforcement Group (KMEG)**

- Zone 3 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$7,082,864.

JMANS – 1,072,711 grams

WCPAT – 352,121 grams

KCPAT – 241,451 grams

KMEG – 22,421 grams

**Zone 4 – Peoria Metropolitan Enforcement Group (PMEG), Central Illinois Enforcement Group (CIEG)**

- Zone 4 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$2,318,901.

PMEG – 74,651 grams

CIEG – 478,224 grams

**Zone 5 – East Central Illinois Task Force (ECITF), Vermillion Metropolitan Enforcement Group (VMEG), and Task Force 6**

- Zone 5 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$881,100.  
ECITF – 61,164 grams  
VMEG – 139,875 grams  
Task Force 6 – 9,034 grams.

**Zone 6 – Metropolitan Enforcement Group of Southern Illinois (MEGSI), and South Central Illinois Drug Task Force (SCIDTF)**

- Zone 6 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$4,542,233.  
  
MEGSI – 606,920 grams  
SCIDTF – 476,044 grams

**Zone 7 – Southern Illinois Enforcement Group (SIEG), and Southern Illinois Drug Task Force (SIDTF)**

- Zone 7 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$428,494.  
  
SIEG – 59,862 grams  
SIDTF – 42,300 grams

**Zone 8 – Southeastern Illinois Drug Task Force (SEIDTF)**

- Zone 8 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$336,601.  
  
SEIDTF – 80,253 grams

A large amount of high-grade cannabis transported to Illinois originates from states such as California, Oregon, and Colorado, via the United States Postal Service; United Parcel Service; and the FedEx Corporation. DCI indicates the aforementioned package services are no longer overtly scrutinizing suspicious packages as a result of the legalization and regulation of cannabis.

Furthermore, law enforcement officers are often not contacted when packages carrying suspected illicit cannabis are identified. As a result of an increased illicit cannabis market, facilitated in part through these delivery methods, allow proceeds to be large sources of income for traffickers. They then purchase weapons and make other drug purchases with the revenue generated. A correlation between increased acts of violence, including deaths, and the support and control of the increased illicit cannabis market has also been observed since the legalization and regulation of cannabis in Illinois. Many factors are indicated in the rise of violent crime across the state and the country, so the impact of the illicit cannabis market and cannabis policy on the investigation of violent crime warrants close monitoring and assessment in the years ahead.

Those consumers who purchase legal, regulated cannabis from Illinois dispensaries are paying nearly double the price of what illicit dealers charge for the same product(s). The average cost per ounce of flower at an Illinois dispensary is \$270 before taxes and \$340 after taxes. Currently, Illinois dispensaries do not sell cannabis by the pound. According to the Midwest High Intensity Drug Trafficking Area (HIDTA) program the average cost of illicit cannabis flower per ounce is \$195 and \$1,900 per pound.

The following represents illicit cannabis seizure highlights by ISP/DCI Zone Narcotics units:

- January 2022, District 12/SEIDTF seized approximately 94 pounds of high-grade cannabis, with an approximate street or illicit market average value of \$178,600.
- January 2022, CRIMPAT/MEGSI seized 143 pounds of high-grade cannabis originating from Oklahoma in a vehicle traveling on Interstate 70 in Madison County.
- January 2022, KCPAT seized 509 pounds of high-grade cannabis at an apartment in Chicago.
- February 2022, NARCINT seized 432 pounds of high-grade cannabis during an investigation.
- March 2022, ISP/BATF seized 987 pounds of cannabis edibles on Interstate 80 that originated in California and was destined for the greater Chicago area.
- March 2022, ISP District 9/CIEG seized 1,181 pounds of high-grade cannabis and \$227,431 of US Currency.
- March 2022, SLANT seized 101 cannabis plants, 12.7 pounds of raw cannabis and 3 firearms.
- April 2022, KAMEG seized 12 pounds of cannabis, over 4 pounds of cocaine and 2 firearms.
- May 2022, ISP District 13/SIEG seized 78 pounds of cannabis in Williamson County
- June 2022, NCNTF seized 382 pounds of cannabis, 924 grams of psilocybin mushrooms and over \$124,000 US currency.

## Impact of Cannabis Regulation on Highway and Waterway Safety

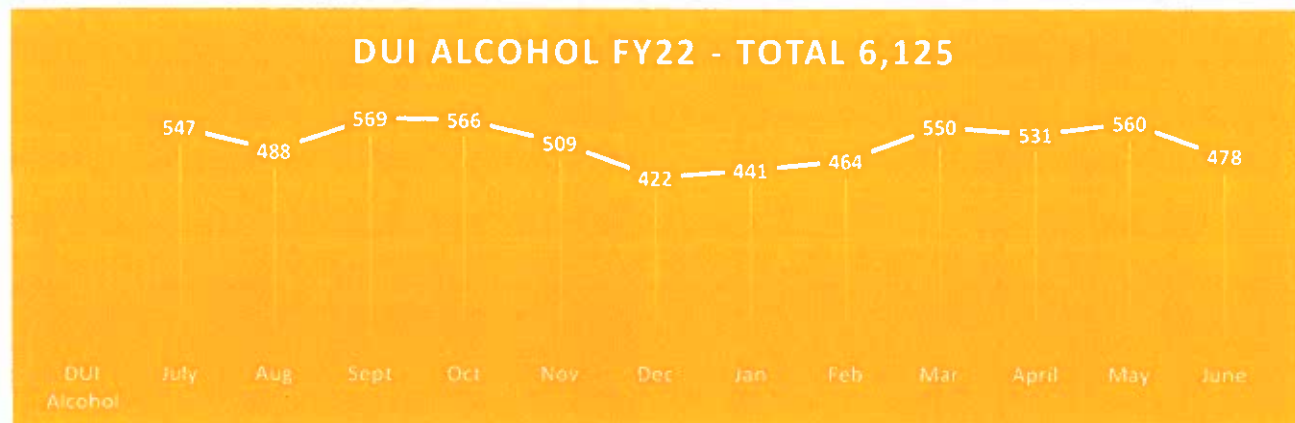
### Division of Patrol

In FY22, 13 DUI Cannabis Charges were filed by the ISP. There were 18 crashes involving cannabis (or having a cannabis nexus), and 17 medical cannabis charges. In FY22, DOP saw decreased staffing, this decrease in staffing lead to the reallocation of resources statewide to help combat critically impacted areas (locations throughout the state with a need for additional resources due to violent crimes). The cannabis trafficking information below contains information for the number of charges for each category. All the statistics below were ad hoc (advanced searches) inquiries conducted by the Department of Innovation and Technology (DoIT) for FY22. Each request from the DOP required DoIT to review all Field Reports and Citations entered into the ISP's Traffic and Criminal Software (TraCS). The "Crashes Involving Cannabis" and "DUI Combination" categories were derived from a manual search for the word "Cannabis" in the narrative of the report; the same actions were taken by DOP to produce results for FY21. Currently, we do not have a way to specifically mine the data for these two categories.

**To be noted: All statistics provided are Illinois State Police statistics only and are not representative of all law enforcement agencies statewide.**

Offense	FY22
Cannabis Trafficking	91
Manufacture/Delivery	205
Possession	1,248
DUI Cannabis	13
DUI Combination w/Cannabis Nexus	296
Crashes Involving Cannabis	18
Medical Cannabis Charges	17
Unlawful Possession in Vehicle	787

**The chart below represents the total number of DUI Drugs in FY22 including other illicit compounds or combination thereof.**





## Emerging Methods to Test for Presence of THC in Bodily Fluids

### Division of Forensic Science

**FY22** - The Division of Forensic Services (DFS) has methods available for detecting the metabolites for delta-9-tetrahydrocannabinol in bodily fluids, including, without limitation, blood and saliva. DFS continued the use of established methods and procedures to provide the toxicological services of detecting Delta-9 Carboxy THC (THC metabolite) in blood and urine and quantitating Delta-9 THC in blood. Since this regulation was established, the DFS has validated methods for analysis on three (3) LCQQQ instruments to facilitate this analysis. Procurement of a fourth (4<sup>th</sup>) LCQQQ is targeted for FY23 with a total estimated cost of \$400,000 through the support of Grant Funding (\$250,000) and general revenue/fee funds (\$150,000).

**FY21 (for comparison)** - DFS continued the use of established methods and procedures to provide the toxicological services of detecting Delta-9 Carboxy THC (THC metabolite) in blood and urine and quantitating Delta-9 THC in blood. The blood quantitation procedure was modified during FY21 to ensure Delta-8 Carboxy THC would not interfere with the detection of Delta-9 Carboxy THC in blood and Delta-8 THC would not interfere with the quantitation of Delta-9 THC in blood.

### Division of the Academy and Training

A major obstacle officers across the state are having is obtaining blood draws for Driving Under the Influence (DUI) arrests. Often, area hospitals refuse to draw blood for officers or the wait time to obtain a blood sample is several hours. The statutory two-hour time frame to obtain a blood sample (625 ILCS 5/11-501(a)(7)) causes major issues when prosecuting drivers for DUI cannabis. An additional issue arises when a suspect is taken from a crash scene by helicopter. In many cases, these suspects are flown to hospitals outside areas where officers can obtain a blood sample.

One possible solution to this issue is the phlebotomist training program. Illinois has a police phlebotomy training program at Richland Community College. The phlebotomy training consists of four weeks of online training, three days of classroom training and one week of clinicals which includes 100 successful blood draws. Illinois currently has 21 officers trained as phlebotomists. These 21 officers have conducted 464 successful law enforcement blood draws. Of these 464 blood draws, there have not been any issues encountered in the court system.

## Efficacy of Existing DUI Laws

### Division of Academy and Training

*Illinois Compiled Statute 625 ILCS 5/11-501(a)(7) states "the person has, within 2 hours of driving or being in actual physical control of a vehicle, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this code." Paragraph 6 of subsection (a) of Section 11-501.2 states "Tetrahydrocannabinol concentration means either 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substances.*

The above section is the only section in the Driving Under the Influence statute that places a time restriction on an officer to obtain an evidentiary sample and cannabis is the only drug substance which requires an officer obtain a sample within a certain timeframe. Currently in Illinois, officers must take a suspect to the hospital to obtain a blood sample. This forces officers to take into consideration how far away the hospital is from the arrest location and to try to guess how busy the hospital will be when they arrive. Officers then have to rely on the willingness of

the hospital staff to draw the blood within the timeframe. This two-hour time restriction does not give the state the proper evidence for possible prosecution.

There is currently a surge in new cannabis products (for example delta-8-tetrahydrocannabinol and delta-10-tetrahydrocannabinol) that do not fall under the CRTA. This means they can be sold virtually anywhere, but still have the same impairing effects as delta-9-tetrahydrocannabinol. By only testing for delta-9-tetrahydrocannabinol in the blood, all the different byproducts from these other types of cannabis are being excluded.

According to research conducted by DR. M.A. Huestis in *Cannabis (Marijuana) - Effects on Human Behavior and Performance*, most cannabis has left the blood stream within two hours of ingestion. Doctor Huestis' research also showed that by their own admission, subjects in this study were still impaired for a considerable amount of time after all cannabis had left the bloodstream. This research shows that there is no correlation between the amount of cannabis in the blood stream and the impairment of an individual.

The two-hour time restriction to obtain an evidentiary blood draw sample should be removed from statute. Research has shown a person can still be impaired after two hours. Paragraph 6 of subsection (a) of Section 11-501.2 should be repealed due to research showing no correlation to the amount of delta-9-tetrahydrocannabinol in a person's blood when compared to the impairment a person is exhibiting. At a minimum, the reference to delta-9-tetrahydrocannabinol should be removed and replaced with "any cannabis metabolite". One additional tool to better equip ISP personnel to combat drivers impaired by cannabis is the aforementioned phlebotomy training. Without changes to the two-hour time restriction, sending personnel to phlebotomist training is the best way to prosecute offenders of drugged driving.

### **Oral Fluid Instrument Feasibility Program**

The Oral Fluid program was completed on December 31, 2021 and the results were not favorable for any of the testing methods included in the study (Sotoxa, Drager or VistaFlow swab). Sotoxa and Drager were not consistent in the results for tests when compared to toxicology results and the VistaFlow swab did not have enough tests completed to compare toxicology results. Several issues contributed to the lack of success of the study:

The most significant was the lack of toxicology results to compare tests to because subjects are not always willing to submit to a sample. Other factors include:

- Hospitals throughout the state are refusing to draw blood for our Trooper's DUI arrests or are waiting up to four (4) hours to retrieve a blood draw.
- Illinois DUI statute for nanogram limits in blood for cannabis [625 ILCS 5/11/501(a)(7)] states that the blood must be collected from the suspect "within 2 hours of driving or being in actual physical control of the vehicle".
- DUI cases were dropped at trial due to the lack of chemical testing or because the chemical test was taken after the two (2) hour time limit.
- Over 90% of the Delta 9 – Tetrahydrocannabinol leaves the bloodstream within two (2) hours after ingestion.

Another issue is that oral fluid testing devices and the supplies required to operate them are expensive. Highlights of the device drawbacks and advantages (if applicable) are listed below:

- **Sotoxa device:**

1. Identified all drugs in subject's system in 40% of cases, compared to urine samples and 30% when compared to blood samples.
2. Cost per device - \$5,184.00
3. Case of test cartridges (25 cartridges per case) - \$625.00
4. Require yearly factory maintenance or device will indicate it is past its certification date when a test is conducted - \$300.00 per device plus shipping.
5. No training is provided to allow ASTS staff to complete annual maintenance.

- **Drager device:**

1. Cost per device - \$6,076.37
2. Cost of case of test cartridges (20 cartridges per case) - \$464.00
3. Identified all drugs in subject's system in 61% of cases when compared to urine samples and 58% when compared to blood samples.

- **VistaFlow swab:**

1. Cost per swab - \$7.38.
2. Advantage - no device to purchase
3. Swab is in a small, self-contained package and does not consume a lot of space in a vehicle

Finally, the efficacy of the oral fluid devices has not been accepted in court. To date, there have been no cases in Illinois courts, utilizing data collected from the oral fluid devices.

At the conclusion of the study, the ISP decided to continue to use the oral fluid devices until all current supply inventories were depleted or expired. The impaired driving section will continue to monitor and study the oral fluid device testing market for new and improved testing devices and successes from other states and countries.

### **Advanced Roadside Impaired Driving Enforcement (ARIDE)**

- The Academy will be offering ARIDE classes in five different locations throughout the state beginning September 19, 2022 and concluding October 21, 2022.
- Approximately 100 ISP Troopers, Sergeants and Master Sergeants are expected to attend.
- In addition, the Impaired Driving Section continues the instruction of classes at the ISP Academy.

## **Division of Patrol**

The ISP trains officers to recognize and enforce impairment in order to ensure the safety of the motoring public with the goal of preventing crashes involving serious injuries and the loss of life. The effectiveness of current DUI laws relies on the ability of law enforcement officers to utilize their on-scene observations to navigate through the next necessary steps to investigate illegal activity. It is imperative law enforcement officers have all the necessary tools to identify illegal activity such as driving impairment, in order to help ensure that all who travel on our Illinois roadways are safe. A recommendation to help achieve this goal would be for law enforcement officers to have the ability to conduct an investigation based on the odor of cannabis coming from inside the vehicle and the evidence of unlawfully transported cannabis inside the motor vehicle. Allowing these two factors to be considered probable cause to conduct an investigation based upon the belief the driver is impaired and the occupants are engaged in illegal activity, similar to the illegal transportation of alcohol in a motor vehicle, would help ensure the safety of all Illinois roadway travelers.

## **FUNDING USAGE**

### **Summary**

For FY23, the CCO has requested one million dollars in additional funding. This funding was requested to address the additional staffing which will be needed due to the increase in cannabis entities anticipated in FY23. Appropriations for the funds in FY23 are: Adult Use - \$5 million, Medical Use - \$2.2 million.

**\$672,368.60**

Medical Use balance as of June 30, 2022

**\$1,741,973.29**

Adult Use balance as of June 30, 2022

### **FY22 Expenditures**

#### **Medical Use**

Appropriation Amount: \$2,200,000.00

Expenditures: \$1,527,626.40

#### **Adult Use**

Appropriation Amount: \$4,000,000.00

Expenditures: \$2,258,026.71

## Legislation, Updates, and Initiatives

### Summary of FY22 Legislation

- HB Bill 1443 passed on July 15, 2021. This bill provided for additional dispensaries which will require regular inspections by the CCO.

## Emerging Trends/Issues

An issue continuing to impede law enforcement efforts is the proliferation of synthesized Cannabidiol (CBD) products being sold throughout the state. They are often sold as "Delta-8" or "THC-O" and usually contain high THC-A content. The products are marketed as "Hemp-based" or CBD, but are often only CBD or hemp in name only. To produce the products, delta-9-tetrahydrocannabinol (THC) has been artificially synthesized from a CBD product and sprayed, or otherwise incorporated, back onto another (usually legal) hemp product. In Illinois, industrial hemp-derived CBD products can be cultivated and marketed under the state's agricultural hemp program.

As a result, CBD may be accessible in many places, including corner stores and grocery markets. Still, the state does very little to regulate the quality of marketable CBD products. The synthesizing of THC is illegal under federal law. Under state law the synthesized product is categorized as "cannabis" and therefore should be controlled under, and subject to the restrictions of the CRTA.

Illinois law enforcement has struggled with convincing State's Attorneys to prosecute because of the product's initial association with hemp/CBD which, since it is legal, leads the State's Attorneys to be reluctant to prosecute. The ISP recommends legislation which would regulate CBD and hemp products to bring them in line with federal law and the CRTA.

### Cannabis Container

Currently there are disparate definitions of what constitutes a "cannabis container" in the CRTA and the Illinois Vehicle Code (IVC). Firstly, in the IVC, the term "cannabis container" is not defined, but the statute provides for legal transportation of cannabis only in a "secured, sealed or resealable, odor-proof, and child resistant medical cannabis or cannabis container" (625 ILCS 5/11-502.1 and 502.15). Numerous issues are observed with this provision: What is the definition of secured? What is odor-proof, and to whom? and What is meant by child resistant?

Secondly, in the CRTA, "cannabis container" is defined in 410 ILCS 705/1-10 as: "...sealed or resealable, traceable, container, or package used for the purpose of containment of cannabis or cannabis infused product..." The Act in 410 ILCS 705/10-35 then prohibits transportation of cannabis unless it is "reasonably secured" in a "sealed or resealable container and reasonably inaccessible while the vehicle is moving." Presumably, the definition is not referring to personal transportation, but transportation by a manufacturing or transportation entity. It does remain that this is the only identifiable definition of a cannabis container for citizens to refer to when attempting to ascertain the meaning of "cannabis container" in the IVC. Then, the provision in the CRTA dealing with the transporting of cannabis describes yet a different definition as the IVC and the definition section of the CRTA. The differences are highlighted in the table below:

<b>Component</b>	<b>IVC (625 ILCS 5/11-502.1 and 625 ILCS 5/11 502.15)</b>	<b>CRTA (410 ILCS 705/10-35)</b>
Securement	"secured"	"reasonably secured"
Sealed	"sealed or resealable"	"sealed or resealable"
Odor	"odor-proof"	None
Child resistance	"child-resistant"	None
Accessibility	"inaccessible"	"reasonable inaccessible"

Only the sealing requirements are consistent across both statutes. The CCO proposes standardization of cannabis container language across the IVC and CRTA and recommends utilizing the definition in the CRTA since the definition in the IVC is wrought with imprecise and unenforceable language.